IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.12213-M of 2006
Date of Decision:- 19.1.2007

Virsa Singh ....Petitioner(s)

through
Mr.S.S.Rana, Advocate

vs.

State of Punjab etc. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing life sentence for committing offence under Section 302/450/34 IPC, seeks a direction for his premature release on the ground that despite having completed 14 years' , 2 months and 20 days actual sentence and total sentence of 27 years including remissions, his case is not being considered for premature release in terms of the Government policy dated 8.7.1991 read with the subsequent instructions dated 13.4.2001.

From the written statement, it is difficult to make out as to whether the petitioner is being denied premature release for the reason that he has committed some jail offence or there is an apprehension of his committing another heinous offence.

As far as the apprehension of the petitioner's committing some other crime is concerned, there appears to be no factual basis for the said apprehension. Such like opinion can be formed only on the basis of some cogent material on record. As regard to the commission of some jail offence by the petitioner, it appears from para 7 of the written statement

that some punishment was awarded to the petitioner for the said offence, which has since been completed by him and even if the period of remissions deducted for that reason, is not counted towards the petitioner's total period of sentence required to be completed in terms of the above-referred Government policy, yet he appears to have come within the purview of the Government Policy.

In this view of the matter, but without expressing any final opinion in relation to the sustainability of objections raised by the respondents, it appears desirable that the petitioner's case should be reconsidered by the respondents in the light of the observations made here-in-above.

Consequently, respondent No.1 is directed to reconsider the petitioner's case for premature release within a period of two months from the date of receipt of certified copy of this order.

Disposed of.

January 19, 2007 **(SURYA KANT)**
poonam **JUDGE**